

Remarks

The present amendment, without prejudice to future prosecution: amends claims 1, 5, 6 and 7; cancels claim 8, and adds new claims 16 and 17. Enclosed with the amendment is an IDS listing references, and listing the last office action and the response filed being in copending application U.S. Serial No. 11/006,335.

The claim listing provided with the present amendment starts with claims as amended by the Examiner's amendment, and shows to changes to the Examiner amended claims. Authorization for the Examiner's amendment was provided by applicants' representative in a telephonic interview on April 10, 2008. During the interview editorial revisions to the claims with respect to changing "mixtures" to --mixture-- and "salts" to --salt-- were discussed.

Claims 6 and 7 were amended to remove reference to the compound N-t-butoxy-2(R)-[(4-fluoro-3-methylphenylsulfonyl)]amino-2-(4'-tetrahydropyranyl)-acetamide. The compound is not generically provided for by Formula I, due to Formula I providing a N-hydroxyl group. The removal of the compound from claim 7 rendered the claim duplicative of claim 8. Accordingly, claim 8 was canceled without prejudice.

Claims 1, 6, and 7 were amended to provide editorial revisions. The editorial revisions to claims 1, 6 and 7 removes reference to "mixture" and in claims 6 and 7 inserts "a" prior to pharmaceutically.

Removing reference to "mixture" in claims 1, 6 and 7 is consistent with the claim preamble referring to a "compound". Prior reference in the claim to a "mixture" did not provide a further limitation, in that the claim is directed to the compound itself. For example, reference to "compound", provided in the prior and present claims, allows for the compound to be present with other compounds including a mixture of other compounds covered by the claim.

Claim 5 was amended to remove R¹ substituents not provided for in base claim 1 and to provide an editorial revision inserting "wherein" as indicated. The editorial revision does not affect the claim scope.


New claims 16 and 17 are directed to a pharmaceutical composition comprising the compound of claims 6 or 7.



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Please charge deposit account 13-2755 for fees due in connection with this amendment. If any time extensions are needed for the timely filing of the present amendment, applicants petition for such extensions and authorize the charging of deposit account 13-2755 for the appropriate fees.

Respectfully submitted,

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